

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: <u>6/11/24</u>

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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AMANDA SIMA,	:	
	:	
Plaintiff,	:	
	:	
-against-	:	
	:	24-CV-3909 (VEC)
	:	
NELSON, MULLINS, RILEY &	:	<u>ORDER</u>
SCARBOROUGH LLP & ASHLEY SUMMER,	:	
ESQ.	:	
	:	
Defendants.	:	
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VALERIE CAPRONI, United States District Judge:

WHEREAS on May 20, 2024, Plaintiff initiated this action, *see* Complaint, Dkt. 1;

WHEREAS Plaintiff alleges that this Court has subject matter jurisdiction because the parties are diverse, *id.* ¶ 6;

WHEREAS for a limited liability partnership (“LLP”), “citizenship depends on the citizenship of its partners: an LLP is treated as a citizen of every state of which its partners are citizens,” *see Roche Cyrulnik Freedman LLP v. Cyrulnik*, 582 F. Supp. 3d 180, 187 (S.D.N.Y. 2022) (citation omitted);

WHEREAS a complaint premised upon diversity of citizenship must allege the citizenship of natural persons who are members of an LLP and the place of incorporation and principal place of business of any corporate entities that are members of the LLP, *see Handelsman v. Bedford Vill. Assocs. L.P.*, 213 F.3d 48, 51–52 (2d Cir. 2000); *see also, Milberg LLP v. HWB Alexandra Strategies Portfolio*, No. 19-cv-4058, 2020 WL 3833827, at *2 (S.D.N.Y. July 8, 2020);

WHEREAS the Complaint alleges that Defendant Nelson, Mullins, Riley & Scarborough LLP (“NMRS”) is a limited liability partnership with its headquarters in Columbia, South Carolina and with 33 offices nationwide, *see* Complaint ¶ 3;

WHEREAS the Complaint made no allegations as to the citizenship of the members of Defendant NMRS;

WHEREAS the Court ordered Plaintiff to file an Amended Complaint that adequately alleges that the Court has subject matter jurisdiction, *see* Order, Dkt. 7;

WHEREAS on June 6, 2024, Plaintiff filed an Amended Complaint, *see* Am. Compl., Dkt. 8;

WHEREAS in the Amended Complaint Plaintiff added: “Defendant Nelson Mullins Riley & Scarborough have a full-service law office located at 330 Madison Avenue, 27th Floor, New York, New York 10017. Defendant Ashley Summer is a Partner with the full-service law office listed above, and it is where he engaged in unlawful conduct on behalf of his employer,” *see id.* ¶ 6; and


WHEREAS the Amended Complaint did not cure the defect the Court identified in the Complaint because Plaintiff has still not alleged facts adequate for the Court reasonably to infer Defendant NMRS’ citizenships as an LLP; the citizenships of NMRS must be ascertained in order for the Court to ascertain whether it has subject matter jurisdiction. *See also Kruglov v. Copart of Connecticut, Inc.*, 771 F. App’x 117, 118 (2d Cir. 2019) (A pleading that fails to “identify the members of an LL[P]” or “to identify the citizenship of the members [...] fails on its face to plead diversity of citizenship.”).

IT IS HEREBY ORDERED that by no later than **Tuesday, June 25, 2024**, Plaintiff must file a Second Amended Complaint that adequately alleges facts from which the Court can

reasonably infer that it has subject matter jurisdiction or the case will be dismissed for lack of subject matter jurisdiction.

SO ORDERED.

Date: June 11, 2024
New York, New York



VALERIE CAPRONI
United States District Judge